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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,169	09/23/2003	Tim Schnell	911.019US1	1681

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EXAMINER

HAYES, BRET C

ART UNIT	PAPER NUMBER
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3644

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/669,169

Applicant(s)

SCHNELL, TIM

Examiner

Bret C Hayes

Art Unit

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. New corrected drawings are required in this application because the writing on the drawings is undecipherable – not so much the reference characters as the written descriptions accompanying the reference characters. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Claim Objections***

2. Claim 11 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 11 appears to be identical to claim 9.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claims 1 – 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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5. Claims 1 and 8 recite the limitation "a second end" in line 3 of each. There is insufficient antecedent basis for this limitation in the claims. Examiner suggests replacing "one end" in line 2 of each claim with --a first end--.

6. As indicated above, since claim 11 is identical to claim 9 no further action on the merits can be taken because any further rejection would be identical to that of claim 9.

7. Any unspecified claim is rejected as being dependent upon a rejected base claim.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1 – 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Nos. 5,871,589 to Hedge in view of 5,378,499 to Martinet al.

10. Re – claim 1, Hedge discloses the invention substantially as claimed including a bore cleaner assembly 10 comprising: a first flexible cord 46 having a weighted member 18 on a first end; a second, thicker flexible cord 12 attached to a second end of the first cord 46; and an elongated brush 14 attached to the second cord 12. However, Hedge does not disclose elongated bronze wool.

11. Martin et al. teach using fine metallic\* wool in the same field of endeavor for the purpose of cleaning a badly leaded barrel, set forth at col. 7, line 53.

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12. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hedge to include metallic wool as taught by Martin et al. in order to clean the barrel of gun.

13. \*While Martin et al. do not disclose bronze wool, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select bronze wool, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. For example, US Patent No. 4,328,632 to Beers discloses the use of brass, copper and aluminum wool, at col. 2, line 42, to clean the barrel of a firearm.

14. Re – claim 2, Hedge discloses the first cord being 3/16 in., which is approximately 5 mm (4.76 mm to be correct).

15. Re – claim 3, Hedge discloses the second cord 12 including absorbent fabric material, set forth at col. 8, line 16, “cotton”, which is absorbent.

16. Re – claim 4, Hedge discloses the second cord 12 being dimensioned to fit compressively within a barrel of a gun; at 26 and 28, for example.

17. Re – claim 5, Hedge discloses cord 12 being woven fabric, set forth at col. 7, line 58, for example. “Woven fabric” would inherently include a plurality of holes.

18. Re – claim 6, Hedge discloses removably attaching the brush 14, Fig. 4, for example. Alternatively, it would have been obvious to one having ordinary skill in the art at the time the invention was made to removably attach the wool, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

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19. Re – claim 7, Hedge in view of Martin et al. discloses the claimed invention except for the wool including a plurality of elongated, woven strands. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the wool include a plurality of elongated, woven strands, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

20. Re – claims 8 – 10, Hedge in view of martin et al. discloses the claimed invention as applied above.

***Conclusion***

Any inquiry concerning this communication should be directed to Bret Hayes at telephone number (703) 306 – 0553. The examiner can normally be reached Monday through Friday from 5:30 am to 3:00 pm, Eastern Standard Time.

If attempts to contact the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Jordan, can be reached at (703) 306 – 4159. The fax number is (703) 872 – 9306.

bh

4/3/04

*Charles T. Jordan*  
**CHARLES T. JORDAN**  
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